

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

APR 21 2014

JULIA C. DOOLEY, CLERK  
BY:   
DEPUTY CLERK

WAKEEL ABDUL-SABUR,  
Petitioner,

Civil Action No. 7:14 -cv-00147

v.


MEMORANDUM OPINION

HAROLD CLARKE,  
Respondent.

By: Hon. James C. Turk  
Senior United States District Judge

Wakeel Abdul-Sabur, a Virginia inmate proceeding pro se, filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, to challenge his judgment entered by the Circuit Court for Albemarle County for forgery and credit card theft. Court records indicate that petitioner previously filed a § 2254 petition about the same convictions in Abdul-Sabur v. Commonwealth, Civil Action No. 7:08-cv-00230 (W.D. Va. Apr. 17, 2008). Thus, petitioner's current petition is a subsequent one, falling under the prohibition in 28 U.S.C. § 2244(b) against a second or successive petition. Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon specific certification from a United States Court of Appeals that claims in the subsequent petition meet certain criteria. 28 U.S.C. § 2244(b). Because petitioner has not submitted any evidence that he has obtained such certification by the Fourth Circuit Court of Appeals, the court dismisses the petition without prejudice as successive. Based upon the finding that the petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

ENTER: This 18<sup>th</sup> day of April, 2014.

  
Senior United States District Judge